

# The Basics of Unlawful Detainers

## Did You Know?

- All Unlawful Detainers filed under the Limited Civil case category are confidential for 60 days following the filing of the complaint.

## Who May File?

- The Property Owner (Landlord).
- The Property Manager may file on behalf of the property owner only if the property manager signed the rental agreement.

## What Are the Filing Fees?

- The filing fees vary from court to court but are assessed according to the total damages asked for in the complaint.
- The filing fees increase as the amount of the total damages asked for in the complaint increase. These amounts are fixed as follows:

Limited Civil Actions	Under \$10,000
Limited Civil Actions	Over \$10,000, but not more than \$25,000
Unlimited Civil Actions	Over \$25,000

## What Should Happen Before the Complaint Is Filed?

- The law requires that landlords serve written notices of termination on the person leasing the property by providing 3, 30, or 60 days' notice.

## 3-Day Notice

- A 3-day notice affords the landlord the opportunity to terminate the tenancy by giving the tenant only 3 days' advance written notice only if the tenant has done any of the following:
  1. Failed to pay the rent
  2. Violated any provision of the lease or rental agreement
  3. Materially damaged the rental property
  4. Substantially interfered with other tenants
  5. Used the rental property for unlawful purposes

## 30-/60-Day Notice

- The law requires landlords to give tenants 60 days' notice of eviction (in writing) if they have lived in the unit for at least one year, which is the term of a typical lease.
- The law requires landlords to give tenants 30 days' notice of eviction (in writing) if they have lived in a unit for less than one year.